California Regional Water Quality Control Board
North Coast Region
William R. Massey, Chairman

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Dan Skopec
Acting Secretary

Arnold Schwarzenegger
Governor

April 14, 2006

Mr. Dan Dehlinger
Dehlinger Trust, Thomas and Carol
Dehlinger Winery
4101 Vinehill Road
Sebastopol, CA 95472

Dear Mr. Dehlinger

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Dehlinger Winery Stream Stabilization Project, Sonoma County

File: Dehlinger Winery Stream Stabilization Project, Sonoma County, WDID No. 1B05121WNSO

This Order by the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), is being issued pursuant to Section 401 of the Clean Water Act (33 USC 1341). On September 2, 2005, the Regional Water Board received an application from Ms. Kathie Lowrey of Prunuske Chatham, Inc., on behalf of Mr. Dan Dehlinger of Thomas and Carol Dehlinger Trust, requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Dehlinger Winery Stream Restoration and Stabilization Project, Sonoma County. The proposed project causes disturbances to waters of the state associated with an unnamed seasonal stream in the Laguna Hydrologic Subarea Unit No.114.21, and the Russian River Hydrologic Unit No. 114.00.

Project Description: The proposed project is located at 4101 and 4405 Vine Hill Road in Sebastopol, Sonoma County. The purpose of the project is to restore and stabilize the natural bed elevation of the unnamed stream, to the extent possible, through the upper reach.

The condition of the site, prior to the flooding of New Years 2006, was an eroding and downcutting unnamed stream, which is tributary to the Laguna de Santa Rosa. There are approximately 110 acres of watershed area above this spring fed reach of stream. After exiting the project site the grade flattens into a stable riparian corridor, which extends to the confluence with the Laguna. In summary, the project area is described as a steep, transitional zone between an upland watershed and the lowland stream habitat that connects with the Laguna. At the present time, the stream is unstable, falling almost 35

feet, in a series of headcut features, over an approximately 740 foot long reach. The overall slope is about 5%, with sections reaching 9%. It is estimated that already 900 cubic yards of eroded sediment have been delivered downstream, and without the completion of the proposed project, several thousand more cubic yards will discharge downstream.

The proposed project consists of using several techniques to help restore and stabilize the stream, including:

- use cobble and gravel fill to restore and stabilize the natural bed elevation;
- sloping back the banks in some locations, to a 2:1 slope to prevent further erosion and mass wasting;
- install grade control structures through the mid to lower reaches, creating boulder step pools and roughened cascades to help provide the grade control;
- utilize bioengineered bank stabilization techniques on actively eroding banks;
- preserve nearly all of the existing mature riparian trees on the site;
- implement an aggressive native riparian revegetation plan.

The project is designed to protect riparian habitat as well as the valuable agricultural assets that are present on the property. In addition, the project goals are to reduce erosion and improve overall water quality of the stream. The project is designed to maintain and improve habitat for aquatic and terrestrial species. According to the application, the project will also help maintain the flood diffusion properties of the Laguna de Santa Rosa by reducing and slowing stormwater run-off through the property.

In the immediate area of the project site, continued erosion will compromise the stability of an existing 7 acre-foot irrigation pond, which is located near the right bank of the stream. Continued erosion from the stream, will continue to impact important riparian woodland, which is habitat to a wide range of species, as well as increase sediment discharges to the Laguna de Santa Rosa downstream.

Mr. Mike Jensen of Prunuske Chatham Inc., submitted revised project plans on March 2, 2006. Due to the additional erosion, increased channel incision, and bank failures that occurred during the flooding that took place during New Years 2006, the project design has been revised, which differs from the project description submitted in the application on September 2, 2005. The changes include:

- the channel bottom in the upper portion of the repair will be raised an additional 4-5 feet to recreate floodplains and buttress the side banks. The structure at the bottom of this reach

(approximately 1+94 on the plans, Sheet 4) has been strengthened to support additional fill material;

- the bank between the affected stream reach and the reservoir will be rebuilt at a 2:1 slope to help prevent failure;

- additional trees that are currently leaning or sliding into the channel, or immediately threatened by bank collapse, will be removed. Revegetation efforts are already a core element of the design and the entire project area will be replanted with site-specific native vegetation.

Receiving Water: An unnamed seasonal stream in the Laguna Hydrologic Subarea Unit No.114.21, and the Russian River Hydrologic Unit No. 114.00.

Federal Permit: The applicant has applied with the U.S. Army Corps of Engineers for a Clean Water Act Section 404 Nationwide Permit 27 (Pending).

State and Local Approvals: An application for a Lake and Streambed Alteration Agreement (SAA 1602) was submitted to California Department of Fish and Game (Pending).

Filled or Excavated Area: Total Linear Impacts: 740.0 linear feet impacted
Length Temporarily Impacted (Restored): 740.0 linear feet
Length Permanently Impacted (Not Restored): 0.0 linear feet

Compensatory Mitigation Overview: Total Linear Mitigation: 740.0 linear feet
Linear Stream Restored/Enhanced: 740.0 linear feet

Compensatory Mitigation: The project has been designed to be self-mitigation, therefore no compensatory mitigation has been proposed for this project.

The proposed restoration and stabilization project will result in fill placement along a 740 linear foot reach of stream, with a total of approximately 1895 cubic yards of fill material placed in the stream to raise the grade. The source of the fill material is Bohan and Canelis Quarry class 2 materials. Prunuske Chatham, Inc. performed biological resource evaluations and determined that there are no threatened or endangered species within the project reach; therefore there are no projected impacts to such species.

The project has been designed to avoid adverse impacts to biological and cultural resources, and to result in overall beneficial effects on riparian and aquatic habitat, as well as reduce erosion and increase water quality within the affected stream. Short term impacts will be avoided by use of construction Best Management Practices (BMPs), including avoiding existing riparian habitat, storing work equipment and supplies outside of the stream channel, refueling of equipment away from the stream in a designated area, and use of standard erosion control BMPs.

A monitoring proposal will be developed to monitor the project for a total of at least 3-5 years. The proposal shall be submitted to the Regional Water Board for review, prior to the commencement of the project. Prunuske Chatham, Inc. staff will prepare annual reports during the monitoring period, and will submit copies to the regulatory agencies for review.

Noncompensatory Mitigation:

Non-compensatory mitigation measures include the use of the BMPs mentioned above, including avoiding existing riparian habitat, storing work equipment and supplies outside of the stream channel, refueling of equipment away from the stream in a designated area, and use of standard erosion control BMPs. In addition, the project involves removal of non-native invasive plant species. The areas of removal will then be replanted with appropriate native riparian plant species. If there is flow in the stream at the time of construction, a site dewatering plan will be prepared by Prunuske Chatham, Inc., for review and approval of the regulatory agencies. Work will be performed during the dry season, after June 15th and will be complete prior to October 15th.

Post Construction Storm Water Pollution Prevention: Not Applicable

CEQA Compliance: The Regional Water Board, acting as a lead agency under the California Environmental Quality Act (CEQA), has determined that this project qualifies for a categorical exemption Class 7 and 8 CCR 15307 and 15308 – Actions by Regulatory Agencies for Protection of Natural Resources and Actions by Regulatory Agencies for Protection of the Environment, respectively.

Standard Conditions: Pursuant to Title 23, California Code of Regulations, Section 3860 (23 CCR 3860), the following three standard conditions shall apply to this project:

1) This certification action is subject to modification or revocation upon administrative or judicial review,

including review and amendment pursuant to Section 13330 of the California Water Code and article 6 (commencing with section 3867) of Chapter 28, Title 23 of the California Code of Regulations (CCR 23) 23 CCR 3867.

2) This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to subsection 3855(b) of Chapter 28, CCR 23 and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3) This certification is conditioned upon total payment of any fee required under Chapter 28, CCR 23 and owed by the applicant.

Additional Conditions: Pursuant to 23 CCR 3859(a), the applicant shall comply with the following additional conditions:

1) The Regional Water Board shall be notified in writing at least five working days (working days are Monday – Friday) prior to the commencement of grading work, with details regarding the construction schedule, in order to allow staff to be present on-site during construction, and to answer any public inquiries that may arise regarding the project.

2) No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this permit, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State. When operations are completed, any excess material or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream.

3) Best Management Practices for sediment and turbidity control shall be implemented and in place prior to, during, and after construction in order to ensure that no silt or sediment enters surface waters.

4) All fill material used on the site shall be clean and free of contaminants. A characterization report for all imported fill materials shall be provided to the Regional Water Board prior to the commencement of grading work.

5) A copy of this permit must be provided to the Contractor and all subcontractors conducting the work, and must be in their possession at the work site.

6) If, at any time, a discharge to surface waters occurs, or any water quality problem arises, the project shall cease immediately and the Regional Water Board shall be notified promptly.

7) Monitoring Requirements – Construction and restoration work shall be implemented as proposed in the application, and the monitoring shall follow the plan developed by Prunuske Chatham Inc., including:

   A. The applicant shall monitor the overall restoration reach, and the re-vegetation areas on a semi-annual basis and prepare an annual report, including photo documentation, documenting the success of the overall restoration activities. The annual report shall be submitted to the Regional Water Board no later than December 31st of each monitoring year.

   B. Turbidity monitoring shall be conducted 50 feet upstream (background), 20 feet downstream, and 500 feet downstream of the work site while work is being conducted within the active stream channel. A minimum of four samples shall be collected during each working day, collected at two-hour intervals. Turbidity readings shall not exceed 20% over the background levels, as required by the North Coast Region Water Quality Control Plan (Basin Plan). The point of compliance is 500 feet downstream from the work area. In the event that turbidity measurements exceed 20% over background for two consecutive readings at the point of compliance, the Regional Water Board shall be contacted immediately, to discuss adaptive management techniques to abate turbidity releases.

8) Instream work shall not commence until June 15th and all work within the waterway shall be complete prior to October 15th.

9) This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the Applicant, the Applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, address and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the Project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the Project as described in this Order.

10) The Applicant shall provide photos of the completed work to the appropriate Regional Water Board staff person, in order to document compliance. By December 31st, the Applicant shall also provide photos of the completed work areas after the first significant rainfall event in order to ensure that erosion control has been successful.

Water Quality Certification: I hereby issue an order [23 CCR Subsection 3831(e)] certifying that the authorized discharge from the Dehlinger Winery Stream Stabilization Project, Sonoma County, (WDID No. 1B05121WNSO) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act [33 USC Subsection 1341 (a)(1)] , and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification (Enclosed).

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation

being completed in strict compliance with the applicant's project description, and b) compliance with all applicable requirements of the Regional Water Board's Water Quality Control Plan for the North Coast Region (Basin Plan).

Expiration: The authorization of this certification for any dredge and fill activities expires on October 16, 2011. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

Please notify John Short of our staff at (707) 576-2065 prior to construction (pursuant to Additional Condition No. 1 above) so that we can answer any public inquiries about the work.

Sincerely,

Catherine E. Kuhlman
Executive Officer

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Enclosure: State Water Resources Control Board Order No. 2003-0017-DWQ, General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification.

cc: Mr. Oscar Balaguer, SWRCB, 401 Program Manager, Clean Water Act Section 401 Certification and Wetlands Unit Program
Ms. Corine Gray, California Department of Fish and Game, Region 3, P.O. Box 47, Yountville, CA 94599
Mr. Bill Cox, Department of Fish and Game, Region 3, P.O. Box 47, Yountville, CA 94599
Mr. Philip Shannin, U.S. Army Corps of Engineers, Regulatory Branch, 333 Market Street, San Francisco, CA 94105
Sonoma County Permit and Resources and Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403
Ms. Kathie Lowry, Prunuske Chatham Inc., P.O. Box 828, Occidental, CA 95465